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Letter dated 25 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

Please find attached a copy of a letter addressed to former President Thabo Mbeki, Chairperson of the African Union High-level Implementation Panel, from Pagan Amum, Chief Negotiator of the Republic of South Sudan (see annex).

The present letter stipulates the position of the Government of the Republic of South Sudan on how to address the outstanding negotiation issues with the intention of reaching an amicable agreement with the Republic of the Sudan.

Kindly accept this submission as documentation for circulation to the Security Council.

(*Signed*) Francis **Nazario**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 25 June 2012 from the Chargé d'affaires a.i. of the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

As you and I discussed a few days ago, the Security Council, in its resolution 2046 (2012), and the African Union Peace and Security Council, in its communiqué adopted at its 319th meeting, urge the parties unconditionally to resume negotiations, under the auspices of the African Union High-level Implementation Panel and with the support of the Chairman of the Intergovernmental Authority on Development (IGAD), within two weeks, at a time to be set by the Panel in consultation with relevant international partners, to reach agreement on the following critical issues:

(1) Arrangements concerning oil and associated payments;

(2) The status of nationals of one country resident in the other, consistent with the Framework Agreement on the Status of Nationals of the Other State and Related Matters initialled in March 2012;

(3) Resolution of the status of the disputed and claimed border areas and the demarcation of the border;

(4) The final status of the Abyei area.

The Republic of South Sudan has been in full compliance with the above-mentioned resolution and communiqué (see our 4 June letter) and has repeatedly stated that it is ready to immediately and unconditionally commence these negotiations. Further, when the parties convened for the first round, well after the two-week deadline had expired, we adopted a plan of action on 1 June in which both agreed to the text proposed by the African Union High-level Implementation Panel, which provides the following:

> 4. The African Union High-level Implementation Panel, supported by the Chairman of IGAD, will convene negotiations to reach agreement on the resolution of the status of disputed and claimed border areas and the demarcation of the boundary, consistent with the Agreement on the Demarcation of the Boundary initialled in March 2012, at the earliest opportunity.
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> 5. The African Union High-level Implementation Panel, supported by the Chairman of IGAD, will set a date, in consultation with relevant international partners, for the resumption of negotiations to reach agreement on: (i) arrangements concerning oil and associated payments; (ii) the status of nationals of one country resident in the other, in accordance with the Agreement initialled on 13 March 2012; and (iii) the final status of Abyei.

The Republic of South Sudan is pleased that at least negotiations on the disputed and claimed areas have been convened, though it is disappointed that the African Union High-level Implementation Panel has still not put the two parties in the same room together to actually negotiate. In the context of these border negotiations, the Panel has also not marked out any schedule to discuss the demarcation of the agreed upon areas of the border, which remain the subject of an agreement that has only been initialled and not finalized by the parties.

Most notably, it has been almost two months since the United Nations called for the negotiation of all the outstanding issues (even longer in the case of the African Union Peace and Security Council) and almost three weeks since the parties agreed that the African Union High-level Implementation Panel would set a date for the same. The Republic of South Sudan has still not received an invitation from the Panel for the resumption of such talks.

The Republic of South Sudan finds the African Union High-level Implementation Panel's failure to set a date for negotiations on the outstanding issues deeply troubling. Either the Panel is not seized of the urgency and importance of meeting its deadlines and obligations set forth by the Security Council and the African Union Peace and Security Council, or the Panel is effectively preconditioning these negotiations on first concluding the negotiations on the security arrangements — as the Sudan is advocating. Either explanation is a clear violation of the Panel's obligations under Council resolution 2046 (2012) and the African Union Peace and Security Council communiqué and calls into question the commitment of the Panel to concluding these negotiations by 2 August 2012.

Time is of the essence and considering that the start of Ramadan is less than one month away, we urge you to immediately call the parties to the table to start unconditional negotiations on all of the outstanding issues, in compliance with Security Council resolution 2046 (2012) and the African Union Peace and Security Council communiqué.

The first round was abruptly closed by the African Union High-level Implementation Panel without having made any clear progress. The Republic of South Sudan was ready to remain and work further through the issues. We do not wish the Panel to close this second round without having in hand a clear schedule going forward for negotiation on the outstanding issues that is mindful of the 2 August 2012 deadline.

Please inform me of the steps the Panel is taking to address these concerns.

(*Signed*) Pagan **Amum**
Republic of South Sudan Chief Negotiator